



Boston City Charter

Office of the City Clerk
Rosaria E. Salerno
City Clerk

THE BOSTON CITY CHARTER

The Boston City Charter is not a single document, but a collection of laws consisting of the surviving portions of the charter imposed on the city by the legislature (Chapter 486 of the Acts of 1909), with its "Plan No. 1" provisions (selected by 'the then registered male voters of the city' on November 2, 1910), those portions of the prior charter and special laws not inconsistent with it, many amendments to that charter (including parts of the form of government contained in Chapter 479 of the Acts of 1924, called "Plan No. 2", selected by the voters of the city at the State Election November 4, 1924), the charter provisions of Chapter 452 of the Acts of 1948 consistent with its "Plan A" provisions adopted by the voters of Boston, November 8, 1949 (as amended by Chapter 376 of the Acts of 1951), all special laws imposed on the city prior to the effective date of the 89th Article of Amendment to the Massachusetts Constitution (called the 'Home Rule Amendment'), passed by the voters of the state in 1968, all so-called 'Local Option' legislation accepted by the city, and, all legislation adopted under the terms of Article 89. In addition, those portions of the General Laws applying to all cities, or applying to all municipalities, which are not inconsistent with any of the foregoing, have the effect of charter provisions.

Although the charter is commonly referred to as "Plan A," Boston does not operate under the provisions of Plan A contained in Chapter forty-three of the General Laws.

Significant legislation affecting the 1948 charter includes: Chapter 849 of the Acts of 1969 which changed the fiscal year of Boston and all other municipalities to begin on July first of each year; Chapter 190 of the Acts of 1982 (called 'Tregor Bill'), which made major changes to the financial operations of the city and the budgetary powers of the Mayor and Council (major amendments to that act appear as Chapter 701 of the Acts of 1986); Chapter 605 of the Acts of 1982 which changed the number of School Committeemenbers and Councillors from nine to thirteen and provided four of these be elected at-large and nine from equally populous districts; Chapter 108 of the Acts of 1991 which replaced the elected School Committee with a board of seven members serving four-year terms, appointed by the Mayor from nominees; and, Chapter 233 of the Acts of 1993 concerning vacancies in the office of District City Councillor.

Two useful works containing (and indexing), many of the various statutes which are part of Boston's charter are "Special Laws Relating to the City of Boston Enacted Prior to January 1, 1938," and, "City of Boston Code (1975)," both of which are out of print but available in libraries.

The following pages contain a selection of currently operative portions of the charter most often sought as they relate to public spending, organization of city departments, general powers of the Mayor and City Council, and, procedures relating to elections.

EXCERPTS FROM BOSTON'S CHARTER

*Section numbers refer to Chapter 452 of the Acts of 1948,
as amended through January 1, 1996*

GENERAL PROVISIONS

SECTION 1 The following words as used in this act shall, unless the context otherwise requires, have the following meanings:

- "City", the city of Boston.
- "Board of election commissioners", the board of election commissioners of the city of Boston.
- "Regular municipal election", the biennial election held for electing officers of the city as provided in this act.
- "Preliminary election", the election held for the purpose of nominating candidates whose names shall appear on the official ballot at a municipal election.

PLAN A. GOVERNMENT BY MAYOR, CITY COUNCIL, AND SCHOOL COMMITTEE, ELECTED AT LARGE WITH
PRELIMINARY ELECTIONS

(A form of government designated on the ballot as "Plan A" was adopted by the voters of the City of Boston at the Municipal Election held November 8, 1949, Yes, 146,162, No, 73,882.)

SECT. 9. . . The municipal year thereof shall begin on the first Monday in January and shall continue until the first Monday of the January next following.¹

SECT. 11.² There shall be in the city a mayor who shall be the chief executive officer of the city, a city council . . . which shall be the legislative body of the city, and a school committee . . . which shall have the powers and duties conferred and imposed by law.

SECT. 11A.³ Every person elected mayor and every person elected or chosen city councillor or school committeemember shall, before entering upon the duties of his office, take, and subscribe in a book to be kept by the city clerk for the purpose, the oath of allegiance and oath of office prescribed in the constitution of this commonwealth and an oath to support the constitution of the United States. Such oaths shall be administered, to a person elected mayor, by a justice of the supreme judicial court, a judge of a court of record commissioned to hold such court within the city or a justice of the peace, and to a person elected or chosen city councillor or school committeemember, by the mayor or any of the persons authorized to administer said oaths to a person elected mayor.⁴

SECT. 11B. Whenever the mayor is absent from the city or unable from any cause to perform his duties, and whenever there is a vacancy in the office of mayor from any cause, the president of the city council, while such absence, inability or vacancy continues, shall perform the duties of mayor. If there is no president of the city council or if he also is absent from the city or unable from any cause to perform such duties, they shall be performed, until there is a mayor or president of the city council or the mayor or president of the city council returns or is able to attend to said duties, by such member of the city council as that body by a vote which, for the purposes of section seventeen D, shall be deemed to be a vote electing an official, may elect, and until such elections by the city clerk. The person upon whom such duties shall devolve shall be called "acting mayor" and he shall possess the powers of mayor only in matters not admitting of delay, but shall have no power to make permanent appointments.

SECT. 12. . . at every second regular municipal election after a regular municipal election at which a mayor is elected, a mayor shall be elected at large to hold office for the four municipal years following the municipal year in which he is elected and thereafter until his successor is elected and qualified.

SECT. 13. If a vacancy occurs in the office of mayor within sixteen weeks prior to a regular municipal election other than a regular municipal election at which a mayor is elected, or within sixteen months after a regular municipal election, or if there is a failure to elect a mayor or a person elected mayor resigns or dies before taking office, the city council shall forthwith adopt an order calling a special municipal election for the purpose of electing at large a mayor for the unexpired term, which election shall be held on such Tuesday, not less than one hundred and twenty days nor more than one hundred and forty days after the adoption of such

¹ St. 1969, Ch. 849 established a Fiscal Year for all municipalities running July first through June thirtieth.

² St. 1982, c. 605, ss. 1 & 2 changed the composition of the city council and school committee effective with the preliminary election in September, 1983. "the city council to consist of nine members elected from equally populous districts and four members elected at-large, and the school committee to consist of nine members elected from equally populous districts and four member elected at-large."

Section 3 of said c. 605, as amended by St. 1986, c. 343, §1, requires the city council, by ordinance, to redraw the districts "on or before (a) ninety days from the date that the nineteen hundred and eighty-five state census, including census figures for the city of Boston, is properly certified by the state secretary; and (b) on or before August first, nineteen hundred and ninety-six and on or before said August first, every subsequent tenth year."

³ By terms of St. 1991, Ch. 108, the School committee is presently appointed (see below).

⁴ Rewritten St. 1983, Ch. 342, 1

order, as the city council shall in such order fix. If a vacancy occurs in the office of the mayor at any other time, a mayor shall be elected at large at the next regular municipal election to hold office for a term expiring at ten o'clock in the forenoon on the first Monday of the fourth January following his election. A person elected mayor under either of the foregoing provisions shall take and subscribe the oaths required by section eleven A as soon as conveniently may be after the issuance to him of his certificate of election. Such person shall hold office from the time of taking and subscribing such oaths until the expiration of his term and thereafter until his successor is elected and qualified. The provisions of this section shall not apply if a vacancy occurs in the office of mayor in the period beginning on the date of a regular municipal election at which a new mayor is elected and ending at the time he takes office.

SECT. 13A.⁶ The mayor shall be paid an annual salary . . . as may from time to time be fixed by ordinance. The mayor shall not receive for his services any other compensation or emolument whatever; nor shall he hold any other office of emolument under the city government.

SECT. 14.⁷ At the next regular municipal election following the adoption of Plan A and at every regular municipal election thereafter, there shall be elected four at large and nine district city councillors, each to hold office for the two municipal years following the municipal year in which he is elected.

SECT. 15.⁷ If at any time a vacancy occurs in the office of city councillor-at-large for any cause, the city clerk shall forthwith notify the city council thereof; and within fifteen days after such notification, the remaining city councillors shall choose, as city councillor-at-large for the unexpired term, whichever of the defeated candidates for the office of city councillor-at-large at the regular municipal election at which city councillors-at-large were elected for the term in which the vacancy occurs, who are eligible and willing to serve, received the highest number of votes at such election, or, if there is not such defeated candidate eligible and willing to serve, a registered voter of the city duly qualified to vote for a candidate for the office of city councillor-at-large. If the remaining city councillors fail to choose as hereinbefore provided within fifteen days after the notification of the city council by the city clerk, the choice shall be made by the mayor, or, if there is no mayor, by the president of the city council.

SECT. 15A. If a vacancy occurs in the office of district city councillor more than one hundred and eighty days prior to a regular municipal election, the city clerk shall forthwith notify the city council thereof; and at the first city council meeting after the notice has been read, the city council shall forthwith adopt an order calling a special preliminary election for the purpose of nominating a district city councillor for the unexpired term, which election shall be held on a Tuesday, not less than sixty-two nor more than seventy-six days after the adoption of such order, as the city council shall in such order fix. The two candidates for district city councillor receiving the greatest number of votes at the special preliminary election shall be deemed nominated and their names shall be placed on the ballot for the special municipal election, which election shall be held twenty-eight days following the special preliminary election.

SECT. 15B. A call for a special preliminary election as provided in section fifteen A shall be in effect upon vote of the city council and no such vote shall be presented to the mayor for his approval notwithstanding the provisions of section seventeen D. All such special elections as provided in section fifteen A shall be governed by the provisions of this act except: (a) the subscription required by section fifty-five shall be done within ten days of the call, (b) no nomination petition shall be issued by the election commission before the seventh day following the call, (c) the nomination petition shall be signed, in the case of a district city councillor in a special preliminary election by the same number of signatures as provided in section fifty-six for a district city councillor candidate in a regular preliminary election, (d) all nomination petitions shall be filed with the election commission before five o'clock in the afternoon on the fifteenth day following the adoption of the order calling a special preliminary election, (e) no candidate for district city councillor shall withdraw his name from nomination after the last day to file objections to nomination petitions, (f) the election commission shall complete the certification required by section fifty-seven within two weeks of the last day for the filing of nomination petitions, (g) a nomination petition which has been filed and is in apparent conformity with the law shall be valid unless written objection thereto is made by a registered voter of the city. Such objection shall

⁶ See CBC 2-7.11

⁷ St. 1982, Ch. 605, §1

⁷ Section 15 rewritten, sections 15A & 15B added by St. 1993, Ch. 233

be filed with the election commission within three days excluding Saturdays, Sundays and legal holidays following the certification of signatures, (h) no candidate shall be substituted as provided for in section fifty-seven B and (i) notwithstanding the provisions of any General Law to the contrary, a petition for recount may be filed with the election commission before five o'clock in the afternoon on the third day following the certification of a special preliminary election for nominating a district city councillor.

SECT. 16.* Every city councillor shall be paid an annual salary . . . and no other sum shall be paid from the city treasury for or on account of any personal expenses directly or indirectly incurred by or in behalf of any city councillor.

SECT. 17. The city council shall be the judge of the election and qualification of its members; shall elect from its members by vote of a majority of all the members a president who when present shall preside at the meetings thereof; and shall from time to time establish rules for its proceedings. The member eldest in years shall preside until the president is chosen, and in case of the absence of the president, until a presiding officer is chosen.

SECT. 17A. The mayor may, whenever in his judgment the good of the city requires it, summon a meeting or meetings of the city council although said council stands adjourned to a more distant day, and shall cause suitable written notice of such meeting or meetings to be given to the city councillors.

SECT. 17B. The city council may, subject to the approval of the mayor, from time to time establish such offices, other than that of clerk, as it may deem necessary for the conduct of its affairs and at such salaries as it may determine, and abolish such offices or alter such salaries; and without such approval may fill the offices thus established and remove the incumbents at pleasure. The city clerk shall act as clerk of the city council.

SECT. 17C. All elections by the city council under any provision of law, including the choosing of a city councillor under section fifteen, shall be made by a *viva voce* vote, each member who is present answering to his name when it is called by the clerk or other proper officer, and stating the name of the person for whom he votes, or declining to vote, as the case may be; and the clerk or other proper officer shall record every such vote. No such election shall be valid unless it is made as aforesaid.

SECT. 17D. Every order, ordinance, resolution and vote of the city council (except special municipal election orders adopted under section thirteen, votes relating to the internal affairs of said council, resolutions not affecting legal rights, votes electing officials, and votes confirming appointments by the mayor) shall be presented to the mayor for his approval. If he approves it, he shall sign it; and thereupon it shall be in force. If he disapproves it, he shall, by filing it with the city clerk with his objections thereto in writing, return it to the city council which shall enter the objections at large on its records. Every order, ordinance, resolution and vote authorizing a loan or appropriating money or accepting a statute involving the expenditure of money, which is so returned to the city council, shall be void, and no further action shall be taken thereon; but the city council shall proceed forthwith to reconsider every other order, ordinance, resolution and vote so returned, and if, after such reconsideration, two thirds of all the city councillors vote to pass it notwithstanding the disapproval of the mayor, it shall then be in force; but no such vote shall be taken before the seventh day after the city council has entered the objections at large on its records. Every order, ordinance, resolution or vote required by this section to be presented to the mayor which, within fifteen days after such presentation, is neither signed by him nor filed with his written objections as hereinbefore provided, shall be in force on and after the sixteenth day following such presentation.

Every order, ordinance, resolution or vote required by this section to be presented to the mayor shall be approved as a whole or disapproved as a whole; except that, if the same authorizes a loan or appropriates money, the mayor may approve some of the items in whole or in part and disapprove other of the items in whole or in part; and such items or parts of items as he approves shall, upon his signing the same, be in force and such items or parts of items as he disapproves by filing with the city clerk his written objections thereto shall be void, and such items or parts of items as he neither signs nor so disapproves with fifteen days after the order, ordinance, resolution or vote shall have been presented to him shall be in force on and after the sixteenth day following such presentation.

Every order of the city council approving a petition to the general court pursuant to Clause (1) of Section 8 of Article 2 of the amendments to the Constitution of the Commonwealth shall be presented to the mayor who

* See CBC 2-8.1, G.L. Ch. 39, §6A

shall forthwith consider the same, and, within fifteen days of presentation, either approve it, or file with the city council a statement in detail of his reasons for not approving the same, including any objection based on form, on content, or both; provided, that no such order shall be deemed approved or in force unless the mayor affixes his signature thereto.*

SECT. 17E.¹⁰ The mayor from time to time may make to the city council in the form of an ordinance or loan order filed with the city clerk such recommendations as he may deem to be for the welfare of the city. The city council shall consider each ordinance or loan order so presented and shall either adopt or reject the same within sixty days after the date when it is filed as aforesaid. If such ordinance or loan order is not rejected within said sixty days, it shall be in force as if adopted by the city council unless previously withdrawn by the mayor. Nothing herein shall prevent the mayor from again presenting an ordinance or loan order which has been rejected or withdrawn. The city council may originate an ordinance or loan order and may reduce or reject any item in any loan and, subject to the approval of the mayor, may amend an ordinance. All sales of land other than school lands, all appropriations for the purchase of land, and all loans voted by the city council shall require a vote of two thirds of all the city councillors and shall be passed only after two separate readings and by two separate votes, the second of said readings and votes to be had not less than fourteen days after the first, except that in the case of loan orders for temporary loans in anticipation of taxes the second of said readings and votes may be had not less than twenty-four hours after the first. No amendment increasing the amount to be paid for the purchase of land, or the amount of loans, or altering the disposition of purchase money or of the proceeds of loans shall be made at the time of the second reading and vote. If a petition signed by three city councillors requesting that action be taken forthwith upon a loan order presented by the mayor is filed in the office of the city clerk not earlier than fourteen days after the presentation of such loan order, action shall be taken by the yeas and nays on the question of the adoption of such loan order at the next meeting of the council, or, if one vote has already been taken thereon, at the next meeting after the expiration of the required interval after such vote; provided, that such action thereon has not sooner been taken or such loan order has not been withdrawn by the mayor.

SECT. 17F.¹¹ The city council at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request his presence to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt of said questions, in which case the mayor shall personally, or through a head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter.

Specific information, as used in this section, shall include any and all records, other than those exempt from disclosure under clause Twenty-six of section seventy-seven of chapter four of the General Laws, within the control of any executive department or agency of the city, including the Boston water and sewer commission and the Boston Redevelopment Authority, whether the information is in printed or electronic form. For the purposes of enforcing this section, the city council shall have standing to request a justice of the superior court department of the trial court of the commonwealth to issue appropriate orders to compel compliance with this section. The mayor at any time may attend and address the city council in person or through the head of a department, or a member of a board, upon such subject as he may desire.

SECT. 17G. Except as otherwise provided in chapter four hundred and eighty-six of the acts of nineteen hundred and nine, neither the city council nor any member, committee, officer or employee thereof shall directly or indirectly on behalf of the city or of the county of Suffolk take part in the employment of labor, the making of contracts, or the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, or management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any city or county employee; nor in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the city council. Any person violating any provision of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

* St. 1982, Ch. 190, §22

¹⁰ St. 1966, Ch. 642, §14

¹¹ As amended by St. 1982, Ch. 190, §16

SECT. 17H. No city councillor nor any person elected city councillor shall during the term for which he is elected or chosen, be appointed to, or hold, any office or position which is under the city government or the salary of which is payable out of the city treasury except the office of city councillor and any office held ex officio by virtue of being a member, or president, of the city council; provided, however, that nothing herein contained shall prevent a city councillor or any person elected city councillor from, during the term for which he is elected or chosen, being appointed by the governor, with or without the advice and consent of the council, to, and holding, any such office or position if before entering upon the duties of such office or position he resigns as city councillor or city councillor-elect.

SECT. 18.¹² . . . at every regular municipal election . . . there shall be elected at large four school committeemembers, and nine elected from equally populous districts, each to hold office for the two municipal years following the municipal year in which he is elected.

SECT. 19. If at any time a vacancy occurs in the school committee from any cause, the mayor, the president of the city council and the remaining school committeemembers, meeting in joint convention, shall, by a majority vote, choose, as school committeemember for the unexpired term, any registered voter of the city duly qualified to vote for a candidate for the office of school committeemember. If there is a failure to elect a school committeemember or a person elected school committeemember resigns or dies before taking office, the remaining school committeemembers elect upon taking office and the then mayor and the then president of the city council shall meet in joint convention and by a majority vote choose such a registered voter as school committeemember for the unexpired term.

SECT. 20. The members of the school committee shall meet and organize on the first Monday of January following their election. The school committee shall be the judge of the election and qualifications of its members. The members of the school committee shall serve with compensation. Said compensation shall be a sum as may from time to time be fixed by ordinance.

SECT. 53. Every municipal officer required by sections twelve, thirteen, fourteen and eighteen to be elected at large shall be elected at a biennial municipal election, or, in the case of a mayor for an unexpired term, at a special municipal election, after, in either case, nomination at a preliminary municipal election, except as otherwise provided in section fifty-seven C. In sections fifty-three to sixty-five, inclusive, the term "regular election" shall be construed to refer to the biennial municipal election or the special municipal election, as the case may be, and the term "preliminary election" to the preliminary municipal election held for the purpose of nominating candidates for election at such regular election. Every preliminary election shall, unless dispensed with under said section fifty-seven C, be held on the sixth Tuesday preceding the regular election.

SECT. 54. Any person who is a registered voter of the city duly qualified to vote for a candidate for an elective municipal office therein may be a candidate for nomination to such office; provided, that a petition for the nomination of such person is obtained, signed and filed as provided in sections fifty-five, fifty-five A, and fifty-six, and signatures of petitioners thereon, to the number required by section fifty-six, certified as provided in section fifty-seven by the board of election commissioners, in sections fifty-five to sixty-five, inclusive, called the election commission.

SECT. 55.¹³ A nomination petition shall be issued only to a person subscribing after the thirteenth Tuesday, and before the eighth Tuesday, preceding the preliminary election, in a book kept for the purpose by the election commission, a statement of candidacy in substantially the following form:-

¹² By terms of St. 1991, Ch. 108, sections 18-20 are currently inoperative

¹³ Sections 55, 55A, 56, 57, 57C, 58, 59, 61, and 62 amended by St. 1983, Ch. 342

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
STATEMENT OF CANDIDACY.

I, *(name with first or middle name in full)*, under the pains and penalties of perjury declare that I reside at *(street and number, if any)* in District *(number)* of the City of Boston; that I am a registered voter of said City duly qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for nomination for the office of Mayor or City Councillor-at-Large or City Councillor representing District *(number)* or School Committeemember-at-Large or School Committeemember representing District *(number)*; that I request that my name be printed as such candidate on the official ballot to be used at the preliminary municipal election to be held on Tuesday, *, 19*, for the purpose of nominating candidates for election to such office; and that I also request that my nomination petition contain the following statement (not exceeding eight words) concerning the elective public offices now or formerly held by me:-

.....

.....
Signature of Candidate.

SECT. 55A. A nomination petition shall be issued by the election commission not later than twelve o'clock noon on the second day (Saturdays, Sundays and legal holidays excluded) after the subscription of a statement of candidacy, except that no such petition shall be issued before the eleventh Tuesday preceding the preliminary election. A nomination petition shall not relate to more than one candidate nor to more than one office. A nomination petition may state the elective public offices which the candidate holds or has held under the government of the commonwealth, the county of Suffolk or the city of Boston or in congress as a representative or senator from the commonwealth; provided, that such statement shall not exceed eight words and shall, with respect to each such office, consist solely of the title, as hereinafter given, of such office, preceded, if the candidate is the then incumbent thereof, by the word "Present", otherwise, by the word "Former."

For the purposes of such statement, the titles of the elective public offices which may be stated shall be deemed to be as follows:- city councillor-at-large, district city councillor, school committeemember-at-large, district school committeemember, mayor, district attorney, sheriff, register of deeds, register of probate, county clerk of superior (criminal) court, county clerk of superior (civil) court, county clerk of supreme judicial court, state representative, state senator, governor's councillor, attorney general, state auditor, state treasurer, state secretary, lieutenant governor, governor, congressman, and United States senator.

If the candidate is a veteran as defined in section twenty-one of chapter thirty-one of the General Laws, his nomination petition may contain the word "Veteran," which, in the case of a candidate holding or having held elective public office as aforesaid, shall, for the purposes of this section and sections fifty-five, fifty-eight and sixty-two, be counted as a part of the statement concerning the elective public offices held by him, and, in the case of a candidate who does not hold and has never held elective public office as aforesaid, shall, for the purposes of said sections, be deemed to be a statement concerning the elective public offices held by him.

A nomination petition may consist of one or more sheets; but each sheet shall be in substantially the following form:-

THE COMMONWEALTH OF MASSACHUSETTS
CITY OF BOSTON
NOMINATION PETITION.

Whereas *(name of candidate)* residing at *(street and number, if any)* in District *(number)* of the City of Boston, *(here insert any lawfully requested statement concerning the elective public offices held by candidate)* is a candidate for nomination for the office of *(Mayor or City Councillor-at-Large or District City Councillor or School Committeemember-at-Large or District School Committeemember)*, the undersigned, registered voters of the City of Boston, duly qualified to vote for a candidate for said office, do hereby request that the

name of said (*name of candidate*) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary municipal election to be held on Tuesday, , 19

Each of the undersigned does hereby certify that he or she has not subscribed (if the petition relates to the office of mayor or district city councillor or district school committee member, here insert: - any other nomination petition for said office; if the petition relates to the office of city councillor-at-large or school committee member-at-large, here insert: - more than three other nomination petitions for said office).

In case the above named candidate withdraws his name from nomination or is found to be ineligible or dies, we authorize (*names and residences of a committee of not less than five persons*) or a majority thereof as our representatives to fill the vacancy in the manner prescribed by law.

Signature of Nominatees (To be signed in person with name as regis- tered)	Residence January 1, 19 (If registered after above date, residence when registered)	Ward	Fre- einct	Present Residence

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston, , 19

The undersigned, being the circulator or circulators of this sheet, severally certify, under the pains and penalties of perjury, that the persons whose names are written upon the lines the numbers of which appear opposite our signatures below, signed the same in person.

NAMES AND ADDRESSES OF PERSONS CIRCULATING THIS SHEET		Number of Lines Upon Which Appear Signatures as to Which Certification is Made Hereto.
Name	Address	

Add here or at some other convenient place on the nomination petition sheet the following.

I hereby accept the nomination.

.....
Signature of Candidate.

This nomination petition sheet filed by

.....
Signature of Filer.

.....
Number, Street, City.

Every nomination petition sheet shall, before issuance, be prepared by the election commission by printing or inserting thereon the matter required by the first two paragraphs of the foregoing form. Not more than three hundred nomination petition sheets shall be issued to any candidate for nomination to the office of mayor under Plan A and not more than one hundred and fifty such sheets shall be issued to any candidate for nomination to the office of city councillor-at-large or any candidate for nomination to the office of school committeemember-at-large. Not more than twenty nomination sheets shall be issued to any candidate for nomination to the office of district city councillor or district school committeemember. No nomination petition sheet shall be received or be valid unless prepared and issued by the election commission; nor shall any such sheet be received or be valid unless the written acceptance of the candidate thereby nominated is endorsed thereon, anything in section three A of chapter fifty of the General Laws to the contrary notwithstanding.

SECT. 56.¹⁴ The nomination petition shall be signed, in the case of a candidate for mayor, by at least three thousand registered voters of the city qualified to vote for such candidate; in the case of a candidate for city councillor-at-large or school committeemember-at-large by at least five hundred registered voters; and in the case of a candidate for district city councillor or district school committeemember, by at least the number of voters residing in the district as shall be set in ordinance by the city council and mayor, in accordance with the last paragraph of section three of chapter six hundred and five of the acts of nineteen hundred and eighty-two.

Every voter signing a nomination petition shall sign in person, with his name as registered, and shall state his residence on January first preceding, or his residence when registered if subsequent thereto, and the place where he is then living, with the street and number, if any; but any voter who is prevented by physical disability from writing may authorize some person to write his name and residence in his presence. No voter may sign as a petitioner more than one nomination petition for the office of mayor or district city councillor or district school committeemember, nor more than four nomination petitions of the office of city councillor-at-large or school committeemember-at-large. If the name of any voter appears as petitioner on more nomination petitions for an office than prescribed in this section, his name shall, in determining the number of petitioners, be counted, in the case of the office of mayor, district city councillor or district school committeemember, only on the nomination petition sheet bearing his name first filed with the election commission, and in the case of the office of city councillor-at-large or school committeemember-at-large, only on the four nomination petition sheets bearing his name first filed with the commission. If the name of any voter appears as petitioner on the same nomination petition more than once, it shall be deemed to appear but once. The signature of any petitioner which is not certified by the circulator of the sheet as provided in the form set forth in section fifty-five A shall not be counted in determining the number of petitioners.

The separate sheets of a nomination petition may be filed all at one time or in lots of one or more from time to time, but shall all be filed with the election commission at or before five o'clock in the afternoon on the eighth Tuesday preceding the preliminary election. Every nomination petition sheet shall be filed by a responsible person, who shall sign such sheet and, if he is other than the candidate, add to his signature his place of residence, giving street and number, if any; and the election commission shall require satisfactory identification of such person.

The names of candidates appearing on nomination petitions shall, when filed, be a matter of public record; but no nomination petition shall be open to public inspection until the signatures on all nomination petitions for the same office have been certified.

SECT. 57. Upon the filing of each nomination petition sheet the election commission shall check each name to be certified by it on such sheet and shall certify thereon the number of signatures so checked which are the names of registered voters of the city qualified to sign the same; provided, however, that said commission shall not certify, in connection with a single nomination petition, a greater number of names than required by section fifty-six with twenty per cent of such number added thereto. Names not certified in the first instance shall not thereafter be certified on the same nomination petition. All nomination petitions not containing names certified pursuant to this section, to the number required by said section fifty-six, shall be invalid. The election commission shall complete the certification required by this section at or before five o'clock in the afternoon on the thirty-fourth day preceding the preliminary election.

¹⁴ As amended by St. 1993, Ch. 90

SECT. 57A. A nomination petition which has been filed and is in apparent conformity with law shall be valid unless written objection thereto is made by a registered voter of the city. Such objection shall be filed with the election commission at or before five o'clock in the afternoon of the forty-ninth day preceding the preliminary election. Objections filed with the election commission shall forthwith be transmitted by it to the Boston ballot law commission. Certification pursuant to section fifty-seven shall not preclude a voter from filing objections to the validity of a nomination petition.

SECT. 57B.¹⁵ Any candidate may withdraw his name from nomination by a request signed and duly acknowledged by him; provided, however, that all withdrawals shall be filed with the election commission at or before five o'clock in the afternoon on the forty-ninth day preceding the preliminary election. If a candidate so withdraws his name from nomination before five o'clock in the afternoon of the twenty-ninth day preceding the preliminary election, or is found to be ineligible or dies, the vacancy may be filled by a committee of not less than five persons or a majority thereof, if such committee be named and so authorized in the nomination petition; provided, however, that all certificates of substitution, except any certificate of substitution for a deceased candidate for mayor under Plan A, shall be filed with the election commission at or before five o'clock in the afternoon on said twenty-ninth day.

The certificate of substitution for a deceased candidate for mayor under Plan A shall be filed with the election commission (a) at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election if he dies on or before the second Friday preceding the preliminary election (b) at or before five o'clock in the afternoon on the first Friday following the preliminary election if he dies after the second Friday preceding such election and before the closing of the polls at such election (c) at or before five o'clock in the afternoon on the Tuesday preceding the regular election if he dies after the closing of the polls at the preliminary election and on or before the second Friday preceding the regular election, and (d) at or before five o'clock in the afternoon on the first Friday following the regular election if he dies after the second Friday preceding such election and before the closing of the polls at such election; provided, however, that no certificate of substitution for such a deceased candidate shall be filed after the closing of the polls at the preliminary election unless such candidate, if living, would be deemed under either section fifty-seven C or sixty-one to have been nominated for the office of mayor under Plan A.

If a certificate of substitution for a deceased candidate for mayor under Plan A is filed at or before five o'clock in the afternoon on the first Tuesday preceding the preliminary election, the ballots for use at such election shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If such a certificate is filed after five o'clock in the afternoon on the first Tuesday preceding the preliminary election, all ballots and voting machine ballot labels for use as such election shall bear the name, residence and ward of the deceased but shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and a vote for the deceased at such election shall be counted as a vote for the substitute. If such a certificate is filed at or before five o'clock in the afternoon on the first Tuesday preceding the regular election, the ballots for use at such election other than absent voting ballots shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased; and the absent voting ballots for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased and, if previously printed, shall be deemed as a matter of law to bear the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased so that a vote thereon for the deceased shall be counted as a vote for the substitute; and the voting machine ballot labels for use at such election, if not previously printed, shall be printed with the name, residence and ward of the substitute in the place of the name, residence and ward of the deceased, and, if previously printed, shall have a slip containing the name, residence and ward of the substitute pasted over the name, residence and ward of the deceased. If a candidate for mayor under Plan A in whose nomination petition a committee of not less than five persons or a majority thereof is authorized to fill a vacancy dies after the second Friday preceding the regular election and a certificate of substitution is not filed at or before five o'clock in the afternoon on the first Tuesday preceding such election, so far, but only so far, as it is for the purpose of electing a person for the office of

¹⁵ As amended by St. 1958, Ch. 35

mayor shall be postponed for four weeks and no vote cast for any candidate for mayor at the originally scheduled election shall be counted.

Every certificate of substitution shall state:—(1) the name of the substitute, (2) his residence, with street and number, if any, and ward, (3) the office for which he is to be a candidate, (4) the name of the original candidate, (5) the fact of his death, withdrawal or ineligibility, and (6) the proceedings had for making the substitution. The chairman and secretary of the committee shall sign and make oath to the truth of the certificate; and it shall be accompanied by the written acceptance of the candidate substituted. A certificate of substitution shall be open to objection in the same manner, so far as practicable, as a nomination petition.

SECT. 57C. On the first day, other than a legal holiday or Saturday or Sunday, following the expiration of the time for filing withdrawals and the final disposition of any objections filed, the election commission shall post in a conspicuous place in city hall the names, residences and districts of the candidates for nomination for mayor and for city councillor-at-large and school committee member-at-large who have duly qualified as such candidates, as they are to appear on the official ballots to be used in the preliminary election or special preliminary election for filling an unexpired term of mayor, except to the order of the names. The election commission shall also post in city hall the names, addresses and districts of all candidates for nomination as district city councillors and school committee members, the lists grouped by numerical identifying district and showing names of candidates duly qualified to appear on the official ballots to be used at the preliminary election to fill a district vacancy. In at least one place in a public building in each of the districts the election commission shall cause to be posted the names and addresses of all candidates for district office in the respective district office in the respective district and the names, addresses and districts of at-large candidates. If there are so posted the names of not more than two candidates for the office of mayor or district city councillor or district school committee member, the candidates whose names are so posted shall be deemed to have been nominated for said office and the preliminary election for the purpose of nominating candidates thereof shall be dispensed with; if there are posted the names of not more than eight candidates for the office of city councillor-at-large or school committee members-at-large, the candidates whose names are so posted shall be deemed to have been nominated for said office, and the preliminary election to nominate candidates therefor shall be dispensed with.

SECT. 58. On the day of the posting provided for by section fifty-seven C, or as soon thereafter as conveniently may be, the election commission shall draw by lot the position of the candidates on the ballot. Each candidate shall have an opportunity to be present at such drawing in person or by one representative. As soon as conveniently may be after such drawing, the election commission shall cause the ballots to be printed. Said ballots shall, in addition to the directions and numbers provided for by section fifty-nine, contain, in the order drawn by the election commission, the names posted as aforesaid (except those of candidates deemed under section fifty-seven C to have been nominated), and no others, with a designation of residence and district and the title and term of the office for which the person named is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public offices held by him. Said ballots shall be official and no others shall be used at the preliminary election. Said ballots shall be headed as follows:

OFFICIAL PRELIMINARY MUNICIPAL ELECTION BALLOT

Candidates for nomination for the offices of _____ in the
City of Boston at the preliminary municipal election to be held on Tuesday, _____, 19_____.
The heading of said ballots shall be varied in accordance with the offices for which nominations are to be made.

SECT. 59. At every preliminary election, and every regular election under Plan A, each voter shall be entitled to vote for not more than one candidate for the office of mayor, district city councillor or district school committee member and not more than four candidates for the office of city councillor-at-large or school committee member-at-large. On the ballots and voting machine ballot labels for use at each of said elections, there shall, as a direction to the voter, be printed in capital letters, near the title of each office to be voted for, the words "*VOTE FOR (here insert in words the number of candidates specified in this section with respect to such office)*". The election commission, when drawing under section fifty-eight the position on the ballot of the candidates for nomination at every preliminary election, shall draw the positions of all candidates for mayor, if any are to be drawn, before drawing the position of any candidate for city councillor or school committee member and shall draw the positions of all candidates for city councillor, if any are to be drawn,

before drawing the position of any candidate for school committeemember. The election commission immediately prior to drawing positions for mayor, if such office is to be contested, shall announce and deposit in alphabetical order in the receptacle from which names are to be drawn cards bearing the names and addresses of candidates for nomination or for election for the office. Names then drawn shall determine the order of appearance on the ballot. After the drawing for mayor has been completed, the election commission shall announce and deposit in alphabetical order in the receptacle from which names are to be drawn, cards bearing the names and addresses of all candidates for election to the city council, whether for at-large or district seats. Cards for candidates for city councillor-at-large shall have no other marking; provided, however, that each card for a candidate for district city councillor shall bear the number of the district in which the candidate is running. After all cards have been deposited, the election commission shall proceed to draw names, the order of drawing to determine the sequence each name will have on its respective at-large or district ballot. After all names have been drawn for city council, the election commission shall proceed in the same fashion to announce, deposit, draw and assign ballot positions to candidates for school committeemember-at-large and from districts.

SECT. 60. The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon the total vote sheets or, if voting machines are used, the general or precinct record sheets, as the case may be, to the election commission which shall forthwith canvass said returns and, subject to the provisions of the first sentence of section one hundred and thirty-seven of chapter fifty-four of the General Laws, determine and declare the result thereof, publish said result in one or more newspapers in the city, and post the same in a conspicuous place in the city hall.

SECT. 61. The two persons receiving at a preliminary election under Plan A the highest number of votes for nomination for the office of mayor, district city councillor or district school committeemember, shall be deemed to have been nominated for said office; and the eight persons receiving at such election under Plan A the highest number of votes for nomination for the office of city councillor-at-large or school committeemember-at-large shall be deemed to have been nominated for such office. If a preliminary election under Plan A or D results in a tie vote among candidates for nomination receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to be deemed to have been nominated, all persons participating in said tie vote shall be deemed to have been nominated, although in consequence there be printed on the official ballot to be used at the regular election names to a number exceeding twice the number to be elected.

SECT. 62. The name of every person deemed under section fifty-seven C or section sixty-one to have been nominated, together with his residence and district and the title and term of the office for which he is a candidate, and the statement, if any, contained in his nomination petition concerning the elective public offices held by him, shall, in addition to the directions provided for by section fifty-nine, be printed on the official ballots to be used at the regular election; and said persons shall be the sole candidates whose names may be printed on such ballots. As soon as conveniently may be after the sixth Tuesday preceding every regular election, the election commission shall draw by lot the position of said names on said ballots; and said names shall be printed on such ballots in the order so drawn. Each candidate shall have an opportunity to be present at such drawing in person or by one representative.

SECT. 63. No ballot used at any preliminary or regular election shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark or anything showing how he was nominated or indicating his views or opinions.

SECT. 64. On every ballot to be used at a preliminary or regular election, there shall be left, at the end of the list of candidates for each office, blank spaces equal to the number for which a voter may vote for such office, in which blank spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office.

*Section Numbers refer to
Chapter 452 of the Acts of 1948,
as amended through January 1, 1996*

MAYOR AND CITY COUNCIL

SECT. 3.¹⁶ All appropriations, excepting those for school purposes, to be met from taxes, revenue or any source other than loans, shall originate with the mayor. The mayor, not later than the second Wednesday in April of each year, shall submit to the city council the annual budget of the current expenses of the city and county for the forthcoming fiscal year, and may submit thereafter such supplementary appropriation orders as he may deem necessary. The city council may reduce or reject any item but, except upon the recommendation of the mayor, shall not increase any item in, nor the total of, a budget, nor add any item thereto, nor shall it originate a budget. Not later than the second Wednesday in June, the city council shall take definite action on the annual budget by adopting, reducing or rejecting it, and in the event of their failure so to do, the items and the appropriation orders in the budget as recommended by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. The city council shall take definite action on any supplementary appropriation order and any order for a transfer of appropriations by adopting, reducing or rejecting it within sixty days after it is filed with the city clerk; and in the event of their failure so to do, such supplementary appropriation order or transfer as submitted by the mayor shall be in effect as if formally adopted by the city council and approved by the mayor. It shall be the duty of the city and the county officials when requested by the mayor, to submit to the mayor forthwith in such detail as the mayor may require estimates for the next fiscal year of the expenditures of the department or office under their charge, which estimates shall be transmitted to the city council; provided, however, that the mayor shall neither submit, nor thereafter reduce, the appropriations for the city council at or to a level below that which existed for the previous fiscal year, nor shall the city council reduce the appropriations for the mayor's office below that which existed for the previous fiscal year.

SECT. 3A.¹⁷ In the period after the expiration of any fiscal year, and before the regular appropriations have been made by the city council and the school committee, city and county officers who are authorized to make expenditures, and the school committee, may incur liabilities in carrying on the work of the several departments and offices entrusted to them, and payments therefor shall be made from the treasury from any available funds therein and charged against the next annual appropriation, or special appropriation, if any is made; provided, that the liabilities incurred during such interval for regular employees do not exceed in any one month the average monthly expenditure of the last three months of the preceding fiscal year, and that the total liabilities incurred during said interval do not exceed in any one month the sums spent for similar purposes during any one month of the preceding fiscal year; and provided, further, that said officers who are authorized to make expenditures may expend in any one month for any new officer or board lawfully created an amount not exceeding one twelfth of the estimated cost for the current fiscal year; and provided, further, that until a regular or special appropriation has been made for snow removal, expenditures may be made for that purpose to an amount not exceeding the average of the annual expenditures for snow removal in the five preceding fiscal years. Notwithstanding the foregoing limitations upon the authority of city officers to incur liabilities during said interval, such officers may incur liabilities to such extent as may be necessary for the purpose of compensating first assistant assessors for their regular duties.

SECT. 3B.¹⁸ After an appropriation of money has been made by the city for any specific purpose, or for the needs and expenditures of any city department or county office, no transfer of any part of the money thus appropriated, between such department or office and another department or office, shall be made, except in accordance with and after the written recommendation of the mayor to the city council, approved by a yea or nay vote of two-thirds of all of the members of the city council, provided that the city auditor, with the approval in each instance of the mayor, may make transfers, other than for personal service, from any item to any other item within the appropriations for a department, division of a department or county office. After the

¹⁶ As amended by St. 1982, Ch. 190, §15; St. 1986, Ch. 701, §2

¹⁷ Inserted by St. 1941, Ch. 604, §1; amended by St. 1947, Ch. 120

¹⁸ As amended by St. 1986, Ch. 701, §3

close of the fiscal year, the city auditor may, with the approval of the mayor in each instance, apply any income, taxes and funds not disposed of and make transfers from any appropriation to any other appropriation for the purpose only of closing the accounts of such fiscal year, provided further that the city auditor within seventy days after the close of the fiscal year, shall transmit to city council and the city clerk a report listing what income, taxes or funds were applied and what transfers were made and the reasons therefor.

SECT. 4A.¹⁹ The mayor may designate one clerical assistant for whose acts he shall be responsible to sign his name in approval of all vouchers of less than five hundred dollars each.

SECT. 5.²⁰ The city council with the approval of the mayor may from time to time make bylaws or ordinances for any or all of the following purposes:—(a) to create a new department or agency; (b) to abolish, in whole or in part, any department or agency; (c) to reorganize, in whole or in part, any department or department head or any agency or agency head; (d) to confer or impose on any department or agency any power or duty of the city not appertaining at the time of the making of the bylaw or ordinance to any department or agency; (e) to transfer any or all of the powers, duties and appropriations of any division of any department or agency to another division of the same department or agency; (f) to transfer any or all of the powers, duties and appropriations of any department or division thereof or of any agency or division thereof either to another department or division thereof or to another agency or division thereof; and (g) to increase, reduce, establish or abolish the salary of any department or agency head. Every department or agency head created by, or resulting from a reorganization effected by, a bylaw or ordinance made under this section shall, unless ex-officio, be appointed by the mayor without confirmation by the city council for a term expiring on the first Monday of the January following the next biennial municipal election at which a mayor is elected or, in the case of a person serving without compensation or of a person serving on the board of appeal, the board of examiners, the board of examiners of gasfitters or other like board, for such other term as the bylaw or ordinance may prescribe. Every person holding an office or position subject to the civil service law and rules shall, if the office or position is abolished by a bylaw or ordinance made under this section and the bylaw or ordinance so provides, be reappointed without civil service examination or registration to a similar office or position with similar status in any new department or agency, or division of either, thereby created or in any department or agency, or division of either, not thereby abolished; and every such person shall upon such reappointment, retain all rights to retirement with pension that shall have accrued or would thereafter accrue to him; and his services shall be deemed to have been continuous to the same extent as if such abolition had not taken place. As used in this section, the term "agency" shall be construed to mean any office in charge of a board or officer not subject to the direction of a department head. Nothing in this section shall authorize any action in conflict with the civil service laws or rules except as expressly provided herein; nor shall any bylaw or ordinance made under this section affect in any way the school committee or any board or officer of the school committee or school department, or the board of commissioners of school buildings or the superintendent of construction, or the board of trustees of the teachers' retirement fund or the board of trustees of the permanent school pension fund, or the Boston retirement board, or the city clerk, or the board of election commissioners, or the Boston traffic commission, or any board or officer appointed by the governor.

SECT. 6. No contract for lighting the public streets, parks, or alleys, or for the collection, removal, or disposal of refuse, extending over a period of more than one year from the date thereof, shall be valid without the approval of the mayor and the city council after a public hearing held by the city council of which at least seven days' notice shall have been given in the City Record.

SECT. 8. Neither the city council, nor any member or committee, officer, or employees thereof shall, except as otherwise provided in this act, directly or indirectly on behalf of the city or the county of Suffolk take part in the employment of labor, the making of contracts, the purchase of materials, supplies or real estate; nor in the construction, alteration, or repair of any public works, buildings, or other property; nor in the care, custody, and management of the same; nor in the conduct of the executive or administrative business of the city or county; nor in the appointment or removal of any municipal or county employee; nor in the expenditure of public money except such as may be necessary for the contingent and incidental expenses of the city council. . . .

It shall be unlawful for the mayor or for a member of the city council or for any officer or employee of the city or of the county of Suffolk or for a member of the finance commission directly or indirectly to make a contract

¹⁹ Inserted by St. 1924, Ch. 479, §3

²⁰ As amended by St. 1953, Ch. 473

with the city or with the county of Suffolk, or to receive any commission, discount, bonus, gift, contribution or reward from or any share in the profits of any person or corporation making or performing such contract, unless such mayor, member of the city council, officer, or employee or member of the finance commission immediately upon learning of the existence of such contract or that such contract is proposed, shall notify in writing the mayor, city council, and finance commission of such contract and of the nature of his interest in such contract and shall abstain from doing any official act on behalf of the city in reference thereto. In case of such interest on the part of an officer whose duty is to make such contract on behalf of the city, the contract may be made by any other officer of the city duly authorized thereto by the mayor, or if the mayor has such interest by the city clerk; *provided, however*, that when a contractor with the city or county is a corporation or voluntary association, the ownership of less than five percent of the stock or shares actually issued shall not be considered as being an interest in the contract within the meaning of this act, and such ownership shall not affect the validity of the contract, unless the owner of such stock or shares is also an officer or agent of the corporation or association, or solicits or takes part in the making of the contract.

A violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the city or county. Any person violating the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both. . . .

THE EXECUTIVE DEPARTMENT

SECT. 9. All heads of departments and members of municipal boards, including the board of street commissioners, as their present terms of office expire (but excluding the school committee and those officials by law appointed by the governor), shall be appointed by the mayor without confirmation by the city council. They shall be recognized experts in such work as may devolve upon the incumbents of said offices, or persons specially fitted by education, training or experience to perform the same, and (except the election commissioners, who shall remain subject to the provisions of existing laws) shall be appointed without regard to party affiliation or to residence at the time of appointment except as hereinafter provided.

SECT. 12. A vacancy in any office to which the provisions of section nine of this act apply, shall be filled by the mayor under the provisions of said section and pending a permanent appointment he shall designate some other head of a department or member of a board to discharge the duties of the office temporarily.

SECT. 13.²¹ Members of boards shall be appointed for the terms established by law or by ordinance. Heads of departments shall be appointed for terms of four years beginning with the first of May of the year in which they are appointed and shall continue thereafter to hold office during the pleasure of the mayor.

SECT. 14.²² The mayor may remove any head of a department or member of a board (other than the election commissioners, who shall remain subject to the provisions of existing law) by filing a written statement with the city clerk setting forth in detail the specific reasons for such removal, a copy of which shall be delivered or mailed to the person thus removed, who may make a reply in writing, which, if he desires, may be filed with the city clerk, but such reply shall not affect the action taken unless the mayor so determines. The provisions of this section shall not apply to the school committee, the public facilities commission, or any official by law appointed by the governor.

SECT. 15. The positions of assistants and secretary authorized by section twenty of chapter four hundred and forty-nine of the acts of the year eighteen hundred and ninety-five except those in the election department are hereby abolished, and except as aforesaid the said section is hereby repealed.

The civil service laws shall not apply to the appointment of the mayor's secretaries, nor of the stenographers, clerks, telephone operators and messengers connected with his office, and the mayor may remove such appointees without a hearing and without making a statement of the cause of their removal.

SECT. 16.²³ No official of said city or county except in case of extreme emergency involving the health and safety of the people or their property, shall expend intentionally in any fiscal year any sum in excess of the appropriations duly made in accordance with law, nor involve the city in any contract for the future payment

²¹ As amended by St. 1953, Ch. 473

²² As amended by St. 1966, Ch. 642, §11

²³ As amended by St. 1982, Ch. 190, §17

of money in excess of such appropriations, except as provided in section six of this act. Any official who violates the provisions of this section shall be personally liable to the city for any amounts expended intentionally in excess of an appropriation to the extent the city does not recover such amounts from the person to whom paid. The trial court of the commonwealth or a single justice of the supreme judicial court shall have jurisdiction to adjudicate claims brought by the city hereunder and to order such equitable relief as the court may find appropriate to prevent further violations of this section. Any official who shall violate the provisions of this section shall be punished by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or both.

SECT. 16A.²⁴ Anything in section three A or section sixteen to the contrary notwithstanding, city and county officers who are authorized to make expenditures, and the school committee, may, during any fiscal year, at the time of, or after, contracting for the performance or delivery during the remainder of such year of any work, services or supplies of a constantly recurrent nature, contract, without an appropriation, upon like or more favorable terms and conditions, for the performance or delivery of such work, services or supplies for the whole or any part of the first three months of the next fiscal year; provided, that in no event shall the average monthly liability incurred with respect to the next fiscal year exceed the average monthly liability for such work, services or supplies during the last nine months of the then current fiscal year.

MISCELLANEOUS PROVISIONS

SECT. 27.²⁵ Every officer and board in charge of a department of the city of Boston or county of Suffolk shall, on or before the sixth day of February in each year, prepare and furnish to the city auditor a list of the officials and employees under said officer or board and paid by the city or county on the first of such February. Such list shall give the name, residence by street and ward, designation, compensation, and date of election or appointment of each of said officials and employees and the date when each first entered the employ of the city or county. It shall be the duty of the city auditor to verify said lists by the pay rolls and to keep a copy of said lists open for public inspection, and to prepare and publish in the City Record on or before the tenth day of April in each year a comparative table containing the number of such officials and employees holding office or employed in each such department or board and paid by the city or county on the compilation date in each of the ten years next preceding such publication. The term "compilation date," as herein used, shall be construed to mean, . . . the first of February.

SECT. 29.²⁶ . . . (T)here shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council and approved by the mayor a paper to be known as the "City Record." All advertising with reference to the sale of property for nonpayment of taxes shall appear exclusively in the City Record. All other advertising, whether required by law or not, with reference to the purchase or taking of land, contracts for work, materials or supplies, and the sale of bonds, shall appear in said paper, and in such newspaper or newspapers as the mayor, in his discretion, may order; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. Failure to publish in such newspaper or newspapers as the mayor may order shall not invalidate any purchase, contract or sale made or action taken by the city. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record; provided, that the substance of debates by and among the members of the city council shall not be so published or published elsewhere at the expense of said city.

SECT. 31.²⁷ Without obtaining the consent of any other board or officer or further authority than that contained in this act, the public facilities commission, in the name of the city, may acquire by purchase, lease, gift, devise or otherwise for any municipal purpose a fee simple absolute or any lesser interest in any land, public or private, within the limits of the city, including air rights and riparian rights, and may take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws any fee or interest except in parks and playgrounds and except also, unless there be express consent, in lands belonging to or covered by contract

²⁴ Inserted by St. 1951, Ch. 182

²⁵ As amended by St. 1919, Ch. 268, §1; St. 1922, Ch. 133, §1; St. 1938, Ch. 263, §1; St. 1951, Ch. 111

²⁶ As amended by St. 1934, Ch. 185, §1; St. 1947, Ch. 447, §1

²⁷ As amended by St. 1966, ch. 642, §12; See also St. 1983, Ch. 643, §11

with the United States, the commonwealth, the Boston Housing Authority or the Boston Redevelopment Authority. Whenever the price proposed to be paid for any land to be acquired for any municipal purpose is more than twenty-five percent higher than its average assessed valuation during the previous three years, such land shall not be acquired by purchase but shall be taken by eminent domain. No land shall be taken until an appropriation by loan or otherwise for the general purpose for which land is needed shall have been made by the mayor and city council by a two thirds vote of all its members; nor shall a price be paid in excess of the appropriation, unless a larger sum is awarded by a court of competent jurisdiction. Nothing in this section shall affect in any way the powers and duties of the real property board under chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six as now or hereafter amended, or of the public improvement commission as successor in function to the board of street commissioners under chapter four hundred and thirty-seven of the acts of eighteen hundred and ninety-three or chapter four hundred and twenty-six of the acts of eighteen hundred and ninety-seven or chapter three hundred and ninety-three of the acts of nineteen hundred and six, as severally now or hereafter amended, or acts in addition thereto.

SECT. 31A.²⁸ Without obtaining the consent of any board or officer other than the mayor, and without interdepartmental payment, the public facilities commission, without further authority, may transfer any land now or hereafter belonging to the city, except parks and playgrounds, but including school lands and land acquired by foreclosure of tax title, from the municipal purpose, if any, to which it is devoted at the time of such transfer to any other specific municipal purpose, and may also transfer the care, custody, management and control of any such land, except parks and playgrounds, but including school land and land acquired by foreclosure of tax title, from such board or officer, including itself, as at the time of such transfer may have the same to such other board or officer, including itself, as it may determine.

SECT. 31B.²⁹ Without obtaining the consent of any board or officer other than the mayor, the public facilities commission, without further authority, may, for such rent or price and upon such terms as said commission may deem appropriate, lease or sublease or sell, grant and convey any surplus land, as hereinafter defined, to the federal government or any agency thereof, the commonwealth or any political subdivision or authority thereof or, if notice of intent to lease or sell such land or buildings together with a statement of when and where written details of such proposed lease or sale may be examined shall first have been publicly advertised in the City Record once a week for two successive weeks, to any person, firm, corporation or trust. "Surplus land", as used in this section, shall be deemed to mean land, buildings and real estate now or hereafter belonging to the city and in the care, custody, management and control of said commission (except parks and playgrounds) which at the time of such lease or sale are or have been used for school purposes, or which have been acquired by foreclosure of tax titles or acquired under section eighty of chapter sixty of the General Laws, or which, irrespective of the manner or time of acquisition, are not held by the city for a specific purpose, or which have been transferred to the commission by the city council.

SECT. 31C.³⁰ Notwithstanding the provisions of any general or special law to the contrary the proceeds from the disposition of any surplus property other than that acquired through tax title foreclosure shall be deposited in a separate fund which shall be set up on the books of the city and shall be known as the Surplus Property Disposition Fund, and shall be used only as follows:

(1) The amount equivalent to the debt incurred, and interest paid or payable thereon, as a result of the acquisition or improvement from time to time of the property shall be used only for purposes for which the city is authorized to incur debt for a period of ten years or more;

(2) All proceeds in excess of such amount shall be credited to the capital fund of the city unless the city council by a majority vote determines with the approval of the mayor to credit such proceeds to the general fund of the city.

SECT. 31D Notwithstanding the provisions of chapter four hundred and seventy-four of the acts of nineteen hundred and forty-six or any other general or special law to the contrary, the public facilities commission of the city of Boston may dispose of any or all of the off-street parking structures, including the real estate related thereto, owned by the city of Boston, as surplus property in accordance with sections thirty-one B and thirty-one C of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, only when transferred to the commission by a majority vote of the city council.

²⁸ See St. 1983, Ch. 643, §11

²⁹ See St. 1983, Ch. 643, §11

³⁰ Sections 31C & 31D inserted by St. 1982, Ch. 190, §24; amended by St. 1986, Ch. 701, §4

SECT. 32.³¹ Beginning in the year nineteen hundred and twenty-five, the municipal election in said city shall take place biennially in every odd numbered year on the Tuesday after the first Monday in November.

*Section numbers refer to Chapter 190 of the Acts of 1982,
as amended through January 1, 1996*

SECT. 14. There shall be appointed by the mayor subject to confirmation by the city council, a audit committee of five members, all residents of the city of Boston, whose members shall serve for five years, Members shall serve without compensation but may be reimbursed for expenses necessarily incurred, and shall be deemed special municipal employees for the purposes of chapter two hundred and sixty-eight A of the General Laws.

The city shall retain the services of an independent, certified public accounting firm which shall annually audit the accounts of the city. The audit committee shall monitor the progress of such audit and shall meet with the accounting firm at least quarterly. The said committee shall review the recommendations of the firm and shall present to the mayor and city council such recommendations at it may have.

SECT. 17A.³² To provide for extraordinary and unforeseen expenditures, the city of Boston shall, prior to the date when the tax rate for a fiscal year is fixed, include in the appropriations for such fiscal year as a segregated reserve fund a sum not less than two and one-half per cent of the preceding year's appropriations for city and county departments, excepting the school department; provided, however, that the amount required to be appropriated for such reserve fund in any fiscal year may be reduced by the amount, if any, remaining in the reserve fund established for the preceding fiscal year after all transfers have been made therefrom as hereinafter authorized and such remaining amount shall be retained in the reserve fund provided for such fiscal year. The mayor, with the approval of the city council, may make direct drafts or transfers against such fund before the close of the fiscal year, provided that no such drafts or transfers may be made before June first in any fiscal year.

Each transfer recommended by the mayor to the city council shall be accompanied by written documentation detailing the amount of such transfer and an explanation of the reason for the transfer. If the reserve fund for a fiscal year beginning on or after July first, nineteen hundred and eight-six is exhausted through transfer and the city incurs an appropriation or revenue deficit in such fiscal year, the reserve fund appropriation requirement shall increase by fifty per cent for the fiscal year following such fiscal year

Notwithstanding any general or special law to the contrary, in the city of Boston, the segregated reserve fund established by this section shall be deemed to satisfy the requirement of section fourteen of chapter sixty-four J of the General Laws that a city accepting said chapter sixty-four J shall establish a segregated reserve fund. The reserve fund established pursuant to this section shall become effective for the fiscal year beginning July first, nineteen hundred and eight-six.

Notwithstanding any general or special law to the contrary, effective for the fiscal year beginning July first, nineteen hundred and eight-six, the school department shall establish a segregated reserve fund of not less than one percent of the current fiscal year's appropriation to the school department within ten days of final approval of such appropriations. No expenditures may be made from this fund before May first in any fiscal year. Expenditures from this fund shall require the approval of the mayor and the city council. If the reserve fund for a fiscal year is exhausted through transfers and the school department incurs an appropriation deficit in such fiscal year, the reserve fund requirement shall increase by fifty per cent for the fiscal year next following such fiscal year, provided that, in no event shall the school department be required to maintain a segregated reserve fund greater than two and one-half per cent of the current fiscal year's school department appropriations.

SECT. 18. On or before August first of each year, or within ten days after the approval of the city council and the mayor of the annual appropriation order for such fiscal year, whichever shall occur later, the city or county officials in charge of departments or agencies, including the superintendent of schools for the school department, shall submit to the city auditor, with a copy to the city clerk, in such form as the city auditor may prescribe, an allotment schedule of the appropriations of all personnel categories included in said budget.

³¹ As amended by St. 1924, Ch. 479, §4

³² Sections 17A and 18A inserted, section 18 amended by St. 1986, Ch. 701

indicating the amounts to be expended by the department or agency for such purposes during each of the fiscal quarters of said fiscal year.

The allotment specified by the school department for the first fiscal quarter in each fiscal year may not exceed twenty per cent of the total appropriations of all personnel categories for said fiscal year, and the allotment specified for any one of the remaining three quarters may not exceed in such quarter thirty percent of the total appropriation.

The allotment specified for each of the departments and agencies, except for the school department, for either the first or second fiscal quarter in each fiscal year may not exceed thirty per cent of the total appropriations of all personnel categories in said fiscal year, and the allotment specified for each of the departments and agencies, except for the school department, for both the third and fourth fiscal quarter in each fiscal year may not be less than twenty-one per cent of the total appropriations of all personnel categories in said fiscal year.

Whenever the city auditor determines that any department or agency, including the school department, will exhaust or has exhausted its quarterly allotment and any amounts unexpended in previous quarters, he shall give notice in writing to such effect to the department head, the mayor and the city clerk, who shall transmit the same to city council.

The mayor, within seven days after receiving such notice, shall determine whether to waive or enforce such allotment. If the allotment for such quarter is waived or not enforced by the mayor, as provided above, the department or agency head shall reduce the subsequent quarter's allotments appropriately and the director of administrative services, within seven days, shall state in writing to the city council and the city clerk what reductions in each subsequent quarter's allotment will be taken or what reallocations or transfers will be made to support the spending level in each subsequent quarter's allotment. If the allotment for such quarter is enforced or not waived, thereafter the department shall terminate all personnel expenses for the remainder of the quarter. All actions taken pursuant to this section shall be reported to the city council and the city clerk. All reports provided for in this section shall be transmitted to the city council and the city clerk within seven days.

No personnel expenses earned or accrued, within any department, shall be charged to or paid from such department's or agency's allotment of a subsequent quarter without approval by the mayor, except for subsequently determined retroactive compensation adjustments. Approval of a payroll for payment of wages, or salaries or other personnel expenses which would result in an expenditure in excess of the allotment shall be a violation by the department or agency head, including the superintendent of schools and the school committee of section sixteen of chapter four hundred and eight-six of the acts of nineteen hundred and nine. If the continuation of operations is not approved in a quarter where a department has exhausted the quarterly allotment or allotments as specified above, or, in any event, if a department has exceeded its entire appropriation for a fiscal year, the city shall have no obligation to pay any personnel cost or expense arising after such allotment or appropriation has been exhausted. Notwithstanding the provisions of any general or special law to the contrary, every collective-bargaining agreement entered into by the city, the school department, or the county shall be subject to and shall expressly incorporate the provisions of this section.

To insure that the overall city and county spending program remains in balance, the mayor may reallocate no more than three million dollars of nonpersonnel appropriations other than school appropriations during a fiscal year to other departmental purposes provided that in no department from which appropriations have been reallocated in accordance with this section shall any transfers be made under section three B of chapter four hundred and eighty-six of the acts of nineteen hundred and nine from personal services to non-personal services, except with the approval of a two-thirds vote of the city council, if such transfer would require the layoff of departmental personnel, who have been permanently appointed to a position in the department under the provisions of chapter thirty-one of the General Laws. No reallocation may be made under this section after April fifteenth in any fiscal year. A list of each reallocation made by the mayor shall be transmitted to the city council and the city clerk by the city auditor by April thirtieth in any fiscal year. In each case the report shall state the accounts from which the transferred funds were taken and the accounts to which the funds were reallocated, and the reasons therefor.

SECT. 18A. To further insure that the overall city and county spending program remains in balance, the mayor and city council shall appropriate for the hospitalization and insurance account an amount not less than the average of the past three years actual expenditures from those accounts. The city auditor shall certify, in writing to the board of assessors, that adequate funds are provided in the operating budget for existing collective bargaining contracts. This certification shall be received by the board no later than ten business days before the proposed tax rate is submitted to the department of revenue for approval.

**SCHOOL COMMITTEE & SUPERINTENDENT:
COMPENSATION, REMOVAL AND DUTIES**

*Section numbers refer to Chapter 613 of the Acts of 1987
as amended through January 1, 1996*

SECT. 1. Chapter 231 of the acts of 1906, as most recently amended by section 1 of chapter 701 of the acts of 1986, is hereby further amended by striking out sections 1, 1A and 2 and inserting in place thereof the following sections:

Section 1. (a) The school committee of the city of Boston shall, by majority vote of the whole number of its members, elect and contract with a superintendent of schools for any period of time not to exceed six years. The school committee exclusively shall fix the compensation of such superintendent, which sum shall be in full for all services rendered to said city. The school committee may remove the superintendent for just cause by a vote of three-fifths of the whole number of its members after proper notice and public hearing. The superintendent shall upon taking employment become, and during such employment remain, a resident of said city as the term resident may be defined by ordinance. Failure to maintain such residence shall be deemed a voluntary termination of employment.

(b) The superintendent of schools shall be the executive officer of the school committee in all matters pertaining to the powers and duties of the school committee. The school committee shall take no action on any particular matter without first receiving the superintendent's recommendation thereon. The superintendent shall give his recommendation before or during the regularly scheduled meeting of the school committee next following the meeting at which the particular matter is raised and at which the superintendent is asked to prepare a recommendation thereon; provided, however, that the superintendent in his sole discretion may elect to present any such recommendation at the school committee meeting at which the particular matter is raised or thereafter but prior to the next regularly scheduled school committee meeting. Any such recommendation of the superintendent shall include the superintendent's estimate of the cost or savings involved, if any, and if the superintendent estimates that there are costs involved, the recommendation shall identify available budgeted funding sources or new funding sources. If the superintendent fails to make a recommendation on a particular matter when raised at such next regularly scheduled school committee meeting, the school committee may take action thereon without receiving the superintendent's recommendation.

(c) The superintendent of schools shall at the beginning of the term for which he was appointed, submit to the school committee a management plan for all administrators and community and deputy superintendents serving at the discretion of said superintendent. The school committee of said city, in the year nineteen hundred and eighty-nine and every sixth year thereafter or in the year when a superintendent is appointed shall vote by a two-thirds majority to accept or reject the management plan submitted by the superintendent of schools. The school committee shall accept a management plan of the superintendent on or before September first in the year that the superintendent is appointed to term.

Section 1A. (a) For the purposes of this section, all individuals engaged to render services and paid pursuant to the school department's budget shall be deemed to be school department employees and their positions shall be deemed to be school department positions.

(b) The superintendent of schools shall have the exclusive authority to make appointments and promotions for all school department positions except for the positions of community superintendent, an election or appointment of a chairman, secretary or treasurer of the school committee, of school committee administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four, and of special assistant corporation counsels. Prior to making an appointment or promotion to the position of community superintendent, the superintendent of schools shall present his recommendation thereon to the school committee at a regularly scheduled meeting. Any such appointment or promotion shall be deemed approved by the school committee on the sixth business day following the presentation of said superintendent's recommendation, unless a majority of the whole number of the school committee's members file with the secretary of the school committee a written objection to the intended appointment or promotion within five business days following the presentation of said superintendent's recommendation; in which case, the appointment or promotion shall be approved only upon majority vote of the whole number of the members of the school committee.

(c) Any general or special law to the contrary notwithstanding, a vote of the school committee shall not be required for the appointment or promotion of any school department employee except as provided in section one A.

(d) Except as may be required by any collective bargaining agreement or by the provisions of chapter thirty-one and chapter one hundred and fifty E of the General Laws, and, subject to appropriation, the superintendent of schools shall have the exclusive authority to fix the compensation of all school department employees with the exception of school committee members; provided, however, that the school committee shall fix the compensation of the superintendent as provided in section one and shall fix the compensation of school committee administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four.³¹

(e) The superintendent of schools shall have the exclusive authority to assign, reassign, suspend, lay-off, demote, remove and dismiss any school department employees except school committee members and administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four. Any general or special law to the contrary notwithstanding, the actions of the superintendent of schools pursuant to this subsection shall be deemed to be the actions of the school committee under the General Laws. In exercising his authority under this subsection, the superintendent shall have the authority and powers, and be subject to the limitations, otherwise applicable to the school committee, including but not limited to the terms of any collective bargaining agreement imposed by chapter one hundred and fifty E of the General Laws. In the case of actions taken pursuant to this subsection as to which notice or hearing, or both, would otherwise be afforded to the subject school department employee by the school committee, such notice or hearing, or both, shall be afforded instead by the superintendent of schools or his designee. In the event that said superintendent delegates to a designee the conduct of a hearing for an affected school department employee, said superintendent shall base his decision upon the evidence presented at such hearing. This section shall not affect the rights of teachers under sections forty-two, forty-three A and forty-three B of chapter seventy-one of the General Laws.

(f) The superintendent of schools shall have the authority to supervise and direct school department employees except school committee members and administrative assistants appointed pursuant to chapter four hundred and sixty-five of the acts of nineteen hundred and sixty-four, and special assistant corporation counsels to the extent that their legal work is directed and supervised by the corporation counsel of the city of Boston.

(g) Except as specifically provided herein, nothing in this section shall be construed or interpreted so as to limit in any way the existing employment rights of school employees, including rights of tenure and seniority as provided by chapter seventy-one and chapter thirty-one of the General Laws as well as those employment rights provided under applicable collective bargaining agreements and chapter one hundred and fifty E of the General Laws.

Section 1B. (a) The school committee may delegate, in whole or in part, to the superintendent of schools the authority to approve for the school department the acceptance and expenditure of grants or gifts of funds from the federal government, charitable foundations, private corporations, individuals, or from the commonwealth, its counties, municipalities or an agency thereof, the provisions of section fifty-three A of chapter forty-four of the General Laws notwithstanding.

(b) The superintendent of schools shall provide to the school committee, the city auditor and the city office of budget and program evaluation of the city of Boston a report, detailing the source, purpose and balance on hand of all funds received or expended pursuant to subsection (a), quarterly.

Section 1D. The superintendent of schools shall submit to the school committee for approval an annual budget of the school department for the forthcoming fiscal year no later than the first Wednesday in February prior to the beginning of such fiscal year. The school committee may adopt, reject, reduce or increase any item in the recommended budget; provided, however, that if the school committee fails to take definite action on the annual budget on or before the fourth Wednesday in March of each year, the annual budget as recommended by the superintendent shall be deemed approved as if formally approved by the school committee. After approval of an annual budget by the school committee, said superintendent shall submit said approved budget to the mayor who may approve or reduce the total recommended budget. Thereafter, not later than

³¹ See St. 1991, Ch. 108, §5

the second Wednesday in May of each year, the mayor shall submit said annual budget to the city council for an appropriation of funds. Said superintendent shall not approve the appointment of any person except to a budgeted position.

Section 1E. For the purposes of section sixteen of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, members of the school committee and the superintendent of schools shall be deemed to be the officials responsible for the expenditures of the school department, the provisions of section eighteen of chapter one hundred and ninety of the acts of nineteen hundred and eighty-two to the contrary notwithstanding.

Section 2. (a) Subject to appropriations therefor, the superintendent of schools shall have the exclusive authority to make on behalf of the school committee contracts, or amendments to contracts, for the purchase or rental of equipment, materials, goods or supplies, leases of property, alterations and repairs of school property, and for professional or other services, with the exception of collective bargaining agreements and contracts for the transportation of students. All school department contracts or amendments to contracts shall otherwise conform to the requirements of the city charter of the city of Boston.

(b) With respect to all contracts, agreements or amendments thereto made or entered into by the school department, the superintendent shall be responsible for establishing procedures for auditing and monitoring the compliance of the parties with the terms and obligations of such contracts, agreements or amendments thereto.

SECT. 2. Chapter 224 of the acts of 1936 is hereby amended by striking out section 2, as most recently amended by section 5 of chapter 701 of the acts of 1986, and inserting in place thereof the following section:

Section 2. (a) The city of Boston shall annually provide an amount of money sufficient for the support of the public schools as required by law; provided, however, that said city shall not be required to provide more money for the support of the public schools than is appropriated in accordance with the provisions of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as amended. In acting on appropriations for educational costs, the city council shall vote on the total amount of the appropriations requested by the mayor, but neither the mayor nor the city council shall allocate appropriations among accounts or place any restriction on such appropriations. The appropriation of said city shall establish the total appropriation for the support of the public schools, but may not limit the authority of the school committee to determine expenditures within the total appropriation; provided, however, that if the city auditor determines that school department expenditures in any fiscal year are projected to be in excess of total budgeted expenditures for that fiscal year, as supported by appropriation and other available funding, then the school committee shall not reallocate or transfer funds from any item in the budget for that fiscal year to fund any such projected additional expenditures.

(b) After the fourth Wednesday of March of any fiscal year, the school committee shall not initiate or authorize any new or additional programs or categories of expenditures requiring additional unbudgeted expenditures unless such programs or categories have been incorporated and fully funded in the budget for the subsequent fiscal year. If such programs or categories have not been incorporated or fully funded in the budget for the subsequent fiscal year, they shall not be initiated or authorized until the school committee shall have amended its budget submission for the subsequent fiscal year to reduce or eliminate other costs, programs or categories in amounts equal to the projected annualized costs of the new or additional programs or categories of expenditures.

(c) The superintendent of schools shall prepare and submit to the school committee, the city auditor and the city office of budget and program evaluation, a monthly budget update report which shall detail and itemize year-to-date and projected school department expenditures and budget transfers.

(d) The superintendent may, after the fourth Wednesday in March, but prior to the annual appropriation, enter into contracts with the publishers or suppliers of instructional materials and books for the timely purchase and delivery of the same to be used in the schools of the school department of the city of Boston for the school year commencing during the fiscal year for which a recommended appropriation has been submitted but not yet approved; provided, however, that such contracts for the supply and delivery of said instructional materials and books shall be charged to the appropriation of the next fiscal year, and provided further that the total amount of funds obligated for such instructional materials and books ordered prior to the annual appropriation shall be limited to the amount appropriated for such expenditures in the then current annual budget and shall not exceed that amount. Pending the final annual appropriation for the school department, the city

auditor may approve such contracts for the purchase and delivery of instructional materials and books, provided, however, that such contracts shall in all other respects conform to the requirements of the city charter of said city.

REORGANIZATION OF THE SCHOOL COMMITTEE

*Section numbers refer to Chapter 108 of the Acts of 1991,
as in force January 1, 1996*

SECTION 1. Notwithstanding the provisions of chapter 605 of the acts of 1982, as amended by chapter 343 of the acts of 1986, chapter 452 of the acts of 1948, as amended by chapter 376 of the acts of 1951 and as further amended by chapter 190 of the acts of 1952, and further notwithstanding sections one hundred and twenty-eight or one hundred and thirty-four, inclusive, of chapter forty-three of the General Laws or any other general or special law to the contrary, the school committee of the city of Boston as presently constituted is hereby abolished as of the date of expiration of the terms of the incumbent members thereof and no election for school committee shall be held in 1991 or thereafter.

SECTION 2. Subject only to the provisions of this act, the school committee of the city of Boston shall consist of seven appointed members. The mayor of Boston shall have the power to appoint the seven members of the school committee subject to the provisions governing the nominating panel as set forth in this act. The members of the school committee shall at all times during their terms of office be Boston residents. The mayor shall strive to appoint individuals who reflect the ethnic, racial and socioeconomic diversity of the city of Boston and its public school population.

SECTION 3. All existing powers and duties hitherto exercised by the Boston school committee, including the powers and duties set forth in chapter 613 of the acts of 1987, shall henceforth be exercised by the seven-member appointed school committee.

SECTION 4. The term of office of the members of the school committee shall be four years and shall commence on the first day of the municipal year; provided, however, that of the members initially appointed one shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and two shall be appointed for a term of four years. Upon the appointment of all seven members by the mayor, the city clerk shall administer the oath of office to the school committee and they shall subscribe in the book kept by the city clerk in accordance with the provisions of St. 1948, c. 452, s. 11A, as amended by St. 1983, c. 342, s.1. The office of each member shall expire upon the expiration of the term of said member and shall become vacant. Any member whose term of office shall expire may be considered for reappointment, but only if renominated by the nominating panel. A president of the school committee shall be elected annually by its members at the first meeting in each municipal year.

SECTION 5. Notwithstanding any special or general law to the contrary, the members of the school committee appointed pursuant to this act shall not have the authority to hire personal staff; provided, however, that a paid administrative assistant may be appointed by the president of the school committee.

SECTION 6. There shall be in the city of Boston a nominating panel composed of thirteen members whose sole function shall be to nominate persons for consideration by the mayor for appointment to the school committee. Representation on the panel and the selection of said members shall be as follows:

(a) Four parents of children in the Boston public school system as follows: (i) one parent who shall be selected by the citywide parents council; (ii) one parent who shall be selected by the citywide educational coalition; (iii) one parent who shall be selected by the Boston special needs parent advisory council; and (iv) one parent who shall be selected by the bilingual education citywide parent advisory council.

(b) One teacher in the Boston public school system who shall be selected by the Boston teachers union from its membership.

(c) One headmaster or principal in the Boston public school system who shall be selected by the Boston association of school administrators and supervisors from its membership.

(d) One representative from the Boston business community as follows: one representative each shall be selected by the private industry council, the Boston municipal research bureau, and Boston chamber of commerce from their respective memberships. Such representatives shall serve on a rotating basis as follows: the representative from the private industry council shall serve for the first year of the first term of the nominating panel; the representative from the Boston municipal research bureau shall serve for the second year of the first term of the nominating panel; the representative from the Boston chamber of commerce shall serve for the first year of the second term of the nominating panel; and so forth.

- (e) One president of a public or private college or university who shall be selected by the chancellor of higher education of the commonwealth.
- (f) One person shall be the commissioner of education of the commonwealth.
- (g) Four persons who shall be appointed by the mayor. The members of the nominating panel shall be selected from time to time no later than September thirtieth and shall serve for a term of two years, except as otherwise provided in this section. In the event that any member does not complete his or her term for any reason, the person or entity who selected such member shall select another person in like manner to complete the unexpired term.

SECTION 7. (a) The nominating panel annually shall from among its membership elect a chairman who shall forthwith file a list of the names and addresses of the members of the panel with the city clerk. The panel shall meet in public for the sole purpose of deliberating upon, hearing public comment with respect to, and finally selecting a list of nominees to be presented to the mayor from time to time. Each nominee shall be a resident of Boston at the time of such nomination. The panel shall strive to nominate individuals who reflect the ethnic, racial and socioeconomic diversity of the city of Boston and its public school population

(c) . . . on the first Wednesday of October of every year the nominating panel shall convene to select not fewer than three but not more than five nominees for each office of school committee member that shall become vacant on the first day of the next municipal year. No later than the first Monday in December of each year, the panel shall present to the mayor a list containing the names and addresses of the said nominees for each term of office to commence on the first day of the next municipal year; provided, however, should the panel fail to present said list to the mayor by said first Monday in December, the mayor shall have the power to appoint any person he deems suitable to the office of school committee for the term to commence in the following January.

(d) Upon notice provided by the city clerk that a vacancy exists in the office of any school committee member due to death or resignation, the panel shall convene within ten days of such notice and shall, within thirty days after so convening, select and present to the mayor a list containing the names and addresses of not fewer than three but not more than five nominees. Within fifteen days after such presentment, the mayor shall appoint a school committee member to serve the unexpired term of the vacant office; provided, however, should the panel fail to present said list within said thirty days, the mayor shall have the power to appoint any person he deems suitable to the vacant office to serve said unexpired term.

SECTION 8. The state secretary shall cause to be placed on the official ballot to be used in the city of Boston at the regular general state election in the year nineteen hundred and ninety-six the following binding question: "Shall an act passed in the General Court in 1991, entitled 'An Act Reorganizing the School Committee of the City of Boston' be repealed as of January 1998 and in place thereof the school committee structure as existing in 1991 be reconstituted after an election held in 1997?" If a majority of the votes cast on this question is in the affirmative, this act shall cease to be effective as of the first Monday in January, 1998, and the incumbent members of the school committee serving pursuant to this act shall cease to hold office, provided, however, that in place thereof a school committee shall be elected under existing law in the year 1997 and the members so elected shall take office on the first Monday in January, 1998. . . .

SECTION 10. This act shall not be amended or repealed except by the vote of the people as provided in section 8 or by special act passed in conformance with art. 89 of the amendments to the constitution of the commonwealth.

CITY OF BOSTON  GRAPHICS ARTS DEPT.